IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.16475-M of 2007
Date of Decision:- 10.05.2007

Ram Kumar ....Petitioner(s)

through
Mr.Vijay Dahiya, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Dinesh Arora, AAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1. Whether Reporters of the local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is to quash the order dated 22.11.2006 (Annexure P-1) whereby the petitioner has been denied parole for agricultural operations. A direction to the respondents to grant the aforesaid relief to the petitioner has also been sought.

While denying the parole as prayed for, the respondents have taken the plea that the petitioner is not the owner in possession of the agricultural land, therefore, he does not fulfill the conditions under Section 3 (1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

On the other hand, the petitioner contends that his wife Smt.Santra owns an agricultural land. In support of this plea, reliance has been placed upon Jamabandi for the year 2003-2004 (Annexure P-4) wherein Smt.Santra is shown to be joint owner in possession of the

agricultural land.

The object of Section 3(1)(c) of the Act is to enable a convict to cultivate the land so that the source of livelihood of the family does not vanish. Even if it is assumed that the petitioner's case does not fall within Section 3(1)(c) of the Act because the land is not owned by him, his prayer to enable him to cultivate the land owned by his wife undoubtedly constitutes a "sufficient cause" within the meaning of Section 3(1)(d) of the Act.

For the reasons afore-mentioned, the petitioner's case requires re-consideration. Consequently, this petition is allowed; the impugned order dated 22.11.2006 (Annexure P1) is set aside and the respondents are directed to get the facts regarding the petitioner's wife ownership of the agricultural land re-verified and thereafter to pass appropriate orders within a period of two months.

May 10, 2007 **(SURYA KANT)**
poonam **JUDGE**